

Serial No.: 09/618,196  
Group Art Unit: 2661  
Examiner: Van Kim T. Nguyen

### REMARKS

Claims 1, 6-25, 27, 30-38, and 40-50 remain in this Application. Claims 2-5, 26, 28-29, 39, and 51-57 have been canceled. Claims 1, 6-11, 22, 30-33, 36, 40-41, and 44-48 have been amended.

#### Rejections to the Specification

In response to the objection to the Abstract, the Abstract has been amended to one paragraph and less than 150 words.

#### Claim Objections

The Office Action objected to Claim 9 for informalities stating it is not clear what LCN bit is. However, the term LCN bit was only found in claim 14. Claim 14 has been amended above to correct informalities. The abbreviation LCN bit has been replaced with "local congestion notification" bit.

#### Claim Rejections under 35 U.S.C. 102

The Office Action rejected claims 1-5, 7-8, 10 and 15 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,556,578 to Silberschatz et al. (the Silberschatz reference). However, the Silberschatz reference fails to disclose or suggest the requirements of the claims.

Independent Claim 1 states, "setting a minimum threshold, a maximum threshold and a feedback threshold for buffer occupancy; marking outgoing packets when said average queue size is between said minimum threshold and said feedback threshold; dropping incoming packets and marking said outgoing packets when said average queue size is between said feedback threshold and said maximum threshold; and dropping all of said incoming packets when an average queue size exceeds said maximum threshold."

The Silberschatz reference nowhere discloses, inter alia, "marking outgoing packets when said average queue size is between said minimum threshold and said feedback threshold," as stated in claim 1. The Silberschatz reference nowhere discloses marking outgoing packets. The steps shown in Figure 2A and 2B, and the description at column 4, line 6 through column 5, line

Serial No.: 09/618,196  
Group Art Unit: 2661  
Examiner: Van Kim T. Nguyen

54, no where describe marking packets or providing any other type of feedback to other network elements. Thus, there is no disclosure or suggestion for marking outgoing packets when said average queue size is between said minimum threshold and said feedback threshold.

Allowable Subject Matter

The Office Action indicated that claims 28, 30-35, 39-41, 44-48 and 50 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims have been amended to independent form to include the allowable subject matter.

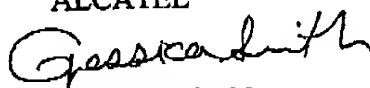
Serial No.: 09/618,196  
Group Art Unit: 2661  
Examiner: Van Kim T. Nguyen

**CONCLUSION**

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Jessica Smith at (972) 477-9109.

Respectfully submitted,

ALCATEL



Jessica W. Smith  
Reg. No. 39,884

Dated: June 28, 2004

Alcatel USA  
Intellectual Property Department  
3400 W. Plano Parkway, M/S LEGL2  
Plano, TX 75075  
Phone: (972) 477-9109  
Fax: (972) 477-9328